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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,171	06/04/2007	Stefan Geoffrey Butlin	051034	1927

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QUALCOMM INCORPORATED
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EXAMINER	
TILLERY, RASHAWN N	
ART UNIT	PAPER NUMBER
2174	

NOTIFICATION DATE	DELIVERY MODE
02/13/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/598,171	BUTLIN ET AL.	
	Examiner	Art Unit	
	RASHAWN TILLERY	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 November 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to the Amendment filed 11/18/2008.

2. Claims 1-25 are pending in this application. Claims 1, 12, 24 and 25 are independent claims. In the instant Amendment, claims 1, 4, 7, 11, 12, 14, 15, 18, 22 and 23 were amended and claims 24 and 25 were added. This action is made Final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 10-14 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son et al ("Son" US 2002/0041292) in view of Aberg (US 6993362).

Regarding claim 1, Son discloses, figures 4a-c, a method of displaying a subset of a plurality of user interface elements in a user interface, the method comprising the steps of:

(i) determining the size of the subset of plurality of UI elements that can be displayed within the user interface (examiner notes that the size of the "Message menu" shown in figure 4a is directly proportionate to the size of the display screen);

(ii) determining a plurality of UI elements that may be selected for display within the user interface (see figs 4a-c where the "message menu" and "call option menu" are shown; either may be selected);

(iii) selecting the subset of UI elements from the plurality of UI elements determined in step (ii) (see paragraphs [0024]-[0025] and [0031]; examiner notes that user may scroll through the menu elements to select a desired menu); and

(iv) displaying the subset of UI elements selected in step (iii) within the user interface (see fig 4b where portions of the "message menu" and "call option menu" are shown).

Son does not explicitly disclose as the selected subset of UI elements changes, the UI elements no longer on display are discarded and the UI elements on display are loaded into memory. However, such features are well known in the art. For instance, Aberg teaches a mobile telephone capable of creating a dynamic menu by selectively adding and removing menu items (see col. 6, lines 6-49 and claim 1 where the memory containing a dynamic menu is discussed). It would have been obvious to an artisan at the time of the invention to include Aberg's teachings into Son's user interface in an effort to increase user operability by creating an easily accessible sub-menu that contains frequently used menu items.

Regarding claim 2, the modified Son teaches step (iii) is repeated to select a further subset of UI elements in response to a user input and step (iv) is then repeated to display the further subset of UI elements within the user interface (see Son fig 4b where portions of the "message menu" and "call option menu" are shown).

Regarding claim 3, the modified Son teaches the user input comprises activating a user input means and the selection and display of a further subset of UI elements causes a list or menu to be scrolled (see Son paragraphs [0024]-[0025] and [0031]; examiner notes that user may scroll through the menu elements to select a desired menu).

Regarding claim 10, the modified Son teaches the list of the selected subset of UI elements comprises one or more further lists, each of the one or more further lists being identified by a unique expression (see Aberg fig 3 and col. 7, lines 25-29 where it is discussed that a dynamic menu can be located as a sub-menu of a sub-menu)

Regarding claim 11, the modified Son teaches a data carrier comprising computer executable code for performing the method of any of claims 1 to 9 (see Son fig 1 and paragraph [0006] where the memory of the mobile phone for storing various programs is discussed).

Claims 12-14 are similar in scope to claims 1-3 respectively, and are therefore rejected under similar rationale.

Claim 21 is similar in scope to claim 10 and is therefore rejected under similar rationale.

Regarding claim 22, the modified Son teaches the device comprises wireless communication means (see Son fig 1).

Regarding claim 23, the modified Son teaches, in fig 1 of Son, a device comprising processing means (10), storage means (50), a display (40), user input

means (60), wireless communication means (20) and a user interface (30), wherein the device is configured to perform the method of any of claims 1 to 10.

Claim 24 is similar in scope to claim 1 and is therefore rejected under similar rationale.

Claim 25 is similar in scope to claim 1 and is therefore rejected under similar rationale.

4. Claims 4-9 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son in view of Aberg in further view of Kennedy et al ("Kennedy" EP 1193590).

Regarding claims 4 and 15, Son discloses the plurality of UI elements are stored in a single file (see fig 1, #50). The modified Son does not explicitly reveal that a mark-up language component is provided that defines the location of the plurality of UI elements. However, such a feature is well known in the art. For instance, Kennedy teaches the use of a markup language for customizing the display of a mobile device (see paragraphs [0029]-[0033]). It would have been obvious to an artisan at the time of the invention to modify Son's user interface by including Kennedy's teachings in an effort to provide a mobile computing device in a manner that conserves power resources.

Regarding claims 5 and 16, the modified Son does not explicitly disclose the mark-up language component further defines the display of the selected subset of UI elements in a list. However, such a feature is well known in the art. For instance,

Kennedy teaches the use of a markup language for customizing the display of a mobile device (see paragraph [0029] where display options is discussed). It would have been obvious to an artisan at the time of the invention to modify Son's user interface by including Kennedy's teachings in an effort to provide a mobile computing device in a manner that conserves power resources.

Regarding claims 6 and 17, the modified Son does not explicitly disclose a template is associated with the mark-up language component, the template determining the appearance of the selected subset of UI elements displayed in the list. However, such a feature is well known in the art. For instance, Kennedy teaches the use of a markup language for customizing the display of a mobile device (see paragraph [0029] where display options is discussed). It would have been obvious to an artisan at the time of the invention to modify Son's user interface by including Kennedy's teachings in an effort to provide a mobile computing device in a manner that conserves power resources.

Regarding claims 7 and 18, Son discloses the plurality of UI elements are stored in a single file (see fig 1, #50). Son does not explicitly reveal that a mark-up language component is provided that defines the location of the file and the file comprises one or more data resources for display in the user interface. For instance, Kennedy teaches the use of a markup language for customizing the display of a mobile device (see paragraphs [0029]-[0033]). It would have been obvious to an artisan at the time of the invention to modify Son's user interface by including Kennedy's teachings in an effort to provide a mobile computing device in a manner that conserves power resources.

Regarding claims 8 and 19, the modified Son does not explicitly disclose the mark-up language component further defines the display of the selected subset of UI elements in a list. However, such a feature is well known in the art. For instance, Kennedy teaches the use of a markup language for customizing the display of a mobile device (see paragraph [0029] where display options is discussed). It would have been obvious to an artisan at the time of the invention to modify Son's user interface by including Kennedy's teachings in an effort to provide a mobile computing device in a manner that conserves power resources.

Regarding claims 9 and 20, the modified Son does not explicitly disclose a template is associated with the mark-up language component, the template determining the appearance of the selected subset of UI elements displayed in the list. However, such a feature is well known in the art. For instance, Kennedy teaches the use of a markup language for customizing the display of a mobile device (see paragraph [0029] where display options is discussed). It would have been obvious to an artisan at the time of the invention to modify Son's user interface by including Kennedy's teachings in an effort to provide a mobile computing device in a manner that conserves power resources.

Response to Arguments

5. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiries

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RASHAWN TILLERY whose telephone number is 571-272-6480. The examiner can normally be reached on M-F 8:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RNT

/Adam L Basehoar/
Primary Examiner, Art Unit 2178